

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
MAY 12, 2021**

**CALL TO ORDER
6:00 PM**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. in 2nd Floor Conference Room of the South Campus Building, 40 11th Street West, Suite 200 Kalispell, Montana. Board members present were Sandra Nogal, Greg Stevens, Jeff Larsen, Elliot Adams, Verdell Jackson, Kevin Lake and Buck Breckenridge. Buck Breckenridge joined via Zoom. Verdell Jackson joined at 6:03 pm. Mike Horn and Ron Schlegel had excused absences. Erin Appert, Laura Mooney, Donna Valade, and Mark Mussman represented the Flathead County Planning & Zoning Office.

There were approximately 12 members of the public in attendance.

**PUBLIC
COMMENT
(Public matters that
are within the
jurisdiction of the
Board 2-3-103
M.C.A)
6:01 PM**

None

**DISCLOSURE OF
ANY CONFLICT
OF INTERESTS
6:01 PM**

Breckenridge reiterated that he had a conflict of interest on FZC-21-03 and FZC-21-04, as stated at the last meeting, and has recused himself from those files.

**APPROVAL OF
MEETING
MINUTES
6:01 PM**

Nogal made a motion, seconded by Stevens, to approve the April 14, 2021 meeting minutes.

Motion passed on a 4-0 roll call vote. Lake and Adams abstained.

**REA TRUST,
JUDY TOGIAI
AND BONNIE
KENNY TRUST
(FZC-21-03)
6:02 PM**

A zone change request from Breckenridge Surveying and Mapping, Inc. on behalf of Rea Trust, Judy Togiai and Bonnie Kenny Trust for property in the Rural Whitefish Zoning District. The proposal would change the zoning on four (4) parcels located on Conn Road, near Kalispell, MT from SAG-10 (Suburban Agricultural) to R-2.5 (Rural Residential) on approximately 35.94 acres.

This item was a continuation of the April 14, 2021 Planning Board meeting. The public hearing portion has been closed.

Larsen reiterated that they had held the public meeting at the last meeting. He asked the board members that were present, that had not been present at the last meeting, if they had the opportunity to review the materials and were prepared to participate going forward.

**MAIN MOTION
TO ADOPT F.O.F.
(FZC-21-03)
6:04 PM**

Stevens made a motion, seconded by Nogal, to adopt staff report FZC-21-03 as findings of fact.

**BOARD
DISCUSSION
6:04 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FZC-21-03)
6:04 PM**

Motion passed unanimously on a roll call vote.

**MAIN MOTION
TO RECOMMEND
APPROVAL
(FZC-21-03)
6:05 PM**

Stevens made a motion, seconded by Adams, to recommend approval of FZC-21-03 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:05 PM**

Stevens acknowledged there was a lot of public testimony in opposition of the application but there was a zoning issue of two different zoning designations on the same tract of land.

Lake agreed with Stevens.

Larsen said there had been good public testimony; character of the neighborhood, drainage, traffic, water quality, impervious coverages, the road, the river, and agricultural use. He informed the public that those items were addressed during subdivision review. He discussed the problem of the split zoning, which occurred when the county took over the previous Whitefish Zoning. He discussed the uses of R-2.5 and the surrounding zoning. He wanted to make it clear that they did take the comments seriously but in this case it met the statutory criteria and therefore he was going to vote for the zone change.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-21-03)
6:09 PM**

Motion passed unanimously on a roll call vote.

**STRUCK
(FZC-21-04)
6:09 PM**

A zone change request from Karyl Kim Struck for property in the Willow Glen Zoning District. The proposal would change the zoning on property located at 521 E Cottonwood Drive from R-1 (Suburban Residential) to R-5 (Two-Family Residential) on approximately 28.52 acres.

This item was a continuation of the April 14, 2021 Planning Board meeting. The public hearing portion has been closed.

**MAIN MOTION
TO ADOPT F.O.F.
(FZC-21-04)
6:10 PM**

Stevens made a motion, seconded by Jackson, to adopt staff report FZC-21-04 as findings of fact.

**BOARD
DISCUSSION
6:11 PM**

Adams pointed out a typo in the staff report. The changes were noted and would be amended.

Larsen asked if finding #8 was consistent with the City's Growth Policy.

He asked if finding Number #2 was a concern because of the floodplain. Staff told him it was and explained the concerns.

**ROLL CALL TO
ADOPT F.O.F.
(FZC-21-04)
6:15 PM**

Motion passed unanimously on a roll call vote.

**MAIN MOTION
TO RECOMMEND
APPROVAL
(FZC-21-04)
6:15 PM**

Stevens made a motion, seconded by Adams, to recommend approval of FZC-21-04 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:16 PM**

Stevens pointed out that it was zoned as R-1 but was unusable as such because it was in the floodplain. The R-5 zoning designation was one of the only ways they could have some beneficial use for the property. He was in favor of the zone change.

Adams noticed there was a lot of concern over traffic. He felt it was a valid point. He was in agreement with Stevens that it was zoned as something that

could not be used. He was going to support the zone change. There were some issues, which would be addressed during subdivision review, but it was a zone change and not a proposed development.

Larsen asked if a mobile home park and RV Park would be an allowable use with a conditional use permit. Staff confirmed they could have a mobile home park (but not an RV Park) with a conditional use permit in an R-1. Adams asked if that still considered 1 unit per acre and staff replied yes. Mussman discussed that, because of the floodplain, the mobile homes would have to meet a specific elevation but an RV park would be allowed because the RVs could be moved [if there were a flood event]. They discussed, at great length, the requirements of having a mobile home park in an R-1 zoning designation.

Jackson wondered how far it was out of the floodplain. Staff did not have the elevation specifics in hand.

Larsen wanted to address the public comments. He addressed spot zoning and the criteria of spot zoning; all criteria had to be met to designate it as spot zoning. He did not feel that it met all criteria. He also addressed the concern of traffic. He agreed that Hwy 35 had a significant traffic problem. He acknowledged the other concerns over wildlife, noise, decrease in property value, the floodplain, the ponds and wildlife area nearby. The question he had to ask was if it complied with the statutory criteria of a zone change. He did struggled with the decision, specifically in regards to the traffic. He was undecided by which way he would go.

Jackson brought up that, with what the applicants were proposing, and in the case of a flood event, they would be able to move the [RV] trailers out of there otherwise the land would be unusable due to the floodplain.

Stevens said the board quite often had traffic concerns with new development in Flathead County. The fact of the matter was that infrastructure never proceeded development or the need for change. A government entity would not invest money [in infrastructure] unless it was really needed. The board ran in to this problem often.

**ROLL CALL TO
RECOMMEND
APPROVAL/DENI
AL
(FZC-21-04)
6:28 PM**

Motion passed on a 4-2 roll call vote. Nogal and Larsen dissented.

HAVEN (FZC-21-06) 6:29 PM	A zone change request from Sands Surveying, Inc. on behalf of Clifford T. & Karen A. Haven for property in the Evergreen Zoning District. The proposal would change the zoning on property located at 436 Maple Drive, Kalispell, MT from R-1 (Suburban Residential) to R-3 (One-Family Residential) on approximately 1.37 acres.
STAFF REPORT 6:29 PM	Donna Valade reviewed staff report FZC-21-06 for the board.
BOARD QUESTIONS 6:31 PM	None
APPLICANT PRESENTATION 6:32 PM	Eric Mulcahy with Sands Surveying, 2 Village Loop, represented the applicants. He gave a brief summary of the proposal and intent behind the request. He also discussed the surrounding zoning designations.
BOARD QUESTIONS 6:33 PM	None
AGENCY COMMENTS 6:33 PM	There were no public agencies present to comment. Written comments were reviewed in the staff report.
PUBLIC COMMENT 6:33 PM	None
MAIN MOTION TO ADOPT F.O.F. (FZC-21-06) 6:33 PM	Lake made a motion, seconded by Jackson, to adopt staff report FZC-21-06 as findings of fact.
BOARD DISCUSSION 6:33 PM	None
ROLL CALL TO ADOPT F.O.F. (FZC-21-06) 6:33 PM	Motion passed unanimously on a roll call vote

**MAIN MOTION
TO RECOMMEND
APPROVAL
(FZC-21-06)
6:34 PM**

Lake made a motion, seconded by Jackson, to recommend approval of FZC-21-06 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:34 PM**

Stevens said the R-1 zoning classification was typically reserved for areas that did not have municipal services. He felt that R-1 was inappropriate for the area. He was in favor of the zone change to R-3.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-21-06)
6:35 PM**

Motion passed unanimously on a roll call vote.

**FLATHEAD
COUNTY (FCZR)
(FZTA-21-02)
6:36 PM**

A request by the Flathead County Planning Board to amend Section 3.020.30 and Section 8.17.020 of the Flathead County Zoning Regulations (FCZR). The proposal would add 'marina' as a conditional use in the B-3 (Community Business) zone and add 'marinas' in the definition of "Recreational Area, Commercial (Section 8.17.020).

**STAFF REPORT
6:36 PM**

Mark Mussman reviewed staff report FZTA-21-02 for the board.

**BOARD
QUESTIONS
6:41 PM**

None

**AGENCY
COMMENTS
6:41 PM**

There were no public agencies present to comment. Written comments were reviewed in the staff report.

**PUBLIC
COMMENT
6:42 PM**

Bill Meyers, 450 Grand Dr., represented Bayside Park and Marine Center, spoke in support of the proposal. He discussed the development and history of the Marina. This was given as a suggestion to accommodate them when the PUD was lifted. He discussed all the regulations and permits that they had to go through. They did not mind a conditional use review but needed to be able to have the opportunity to do so in order to get them to be able to continue development.

**BOARD
QUESTIONS
6:44 pm**

Nogal wondered why the PUD had been removed. Mussman said it was because it referenced documents that were not applicable. This conditional use permit would apply to one piece of property. When the PUD was added, it allowed Marinas in other zoning districts (in which he listed them).

**MAIN MOTION
TO ADOPT F.O.F.
(FZTA-21-02)
6:47 PM**

Nogal made a motion, seconded by Jackson, to adopt staff report FZTA-21-02 as findings of fact.

**BOARD
DISCUSSION
6:47 PM**

None

**ROLL CALL TO
ADOPT F.O.F.
(FZTA-21-02)
6:47 PM**

Motion passed unanimously on a roll call vote.

**MAIN MOTION
TO RECOMMEND
APPROVAL
(FZTA-21-02)
6:48 PM**

Stevens made a motion, seconded by Adams, to recommend approval of FZTA-21-02 to the Board of County Commissioners.

**BOARD
DISCUSSION
6:48 PM**

None

**ROLL CALL TO
RECOMMEND
APPROVAL/DENI
AL
(FZTA-21-02)
6:48 PM**

Motion passed unanimously on a roll call vote.

**OLD BUSINESS
6:48 PM**

Larsen discussed public comment becoming too long during the public hearing. He intended to have them keep it to 3 minutes for all people. The discussed, at great length, protocol to have in place for the future. Larsen appreciated that Stevens had spoken up when he did. He also discussed issues with Zoom and people talking during board discussion.

Jackson said he noticed that people were speaking more than once and were also repeating themselves over and over. He had a hard time hearing people when they wore a mask.

**NEW BUSINESS
7:08 PM**

None

ADJOURNMENT
7:08 PM

The meeting was adjourned on a motion by Nogal and Jackson at approximately 7:08 p.m. The next meeting will be held June 9, 2021.


Jeff Larsen, Chairman


Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 6 / 9 /21